

# MANDATE

E.D.N.Y.- C. Islip  
10-cr-991  
Seybert, J.  
Tomlinson, M.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of June, two thousand thirteen.

Present:

Debra Ann Livingston,  
Denny Chin,  
*Circuit Judges,*  
Edgardo Ramos,\*  
*District Judge.*

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United States of America,  
*Appellee,*

v.

12-2221

Brian Sullivan,  
*Defendant-Appellant.*

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John Frederick Carman, counsel for Appellant, moves for permission to withdraw as counsel pursuant to *Anders v. California*, 386 U.S. 738 (1967). Appellee moves to dismiss the appeal as barred by the waiver of appellate rights contained in Appellant's plea agreement. Upon due consideration, it is hereby ORDERED that: (1) the motion to withdraw is GRANTED; (2) the motion to dismiss is GRANTED with respect to Appellant's appeal of his conviction and term of imprisonment; and (3) the motion to dismiss is construed as seeking summary affirmance with respect to Appellant's appeal of his term of supervised release and special assessment and, as construed, is GRANTED.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk



*Catherine O'Hagan Wolfe*



\*Judge Edgardo Ramos, of the United States District Court for the Southern District of New York, sitting by designation.

SAO-SMH

MANDATE ISSUED ON 08/12/2013